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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,097	11/29/2001	Masao Matsuda	PF-2850/US	1121
466 7590 10/04/2007 YOUNG & THOMPSON 745 SOUTH 23RD STREET 2ND FLOOR ARLINGTON, VA 22202			EXAMINER KAMAL, SHAHID	
			ART UNIT 3609	PAPER NUMBER
			MAIL DATE 10/04/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/980,097

Applicant(s)

MATSUDA, MASAO

Examiner

Shahid Kamal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date. ____ | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

2. Claims 1-13 are rejected under 35 U.S.C. 102(a) as being anticipated by Ginter et al. (US Patent No. 5,910,987).

Referring to claim 1. Claim 1 discloses the limitation of claim 1. Ginter et al. discloses an intellectual property right management system for collectively executing registration, watching, and use permission of intellectual property rights through a telecommunication circuit, wherein the intellectual property right management system comprises an intellectual property registration system in which an intellectual property right owner registers an intellectual property right, an intellectual property open investigation system which enables openable intellectual property data to be perused and searched, and records a use state of intellectual property, and an intellectual property permission watching system including transaction offer processing means of intellectual property and collecting means of unauthorized permission use information (Column 1, Lines 13-43, Column 3, Lines 23-50 [Ginter et al. also teaches when a owner give an intellectual property/software to a server to monitor for proper use of the software by a customer]).

Referring to claim 2. Claim 2 discloses the limitation of claim 1. Ginter et al. discloses characterized in that the intellectual property registration system comprises by which the intellectual property right owner can execute a registration operation, by which a registration operation full-time person executes a registration operation, for connecting the terminals and a multimedia registration processing system, the multimedia registration processing system, and an intellectual property management database (Column 19, Lines 37-67, Column 20, Lines 1-9, Column 127, Lines 1-24 [Ginter et al. also teaches when a owner give an intellectual property/software to a server to monitor for proper use of the software by a customer]).

Referring to claim 3. Claim 5 discloses the limitation of claim 2. Ginter et al. discloses An intellectual property right management system according to claim 2, characterized in that the multimedia registration processing system comprises capable of connecting with any terminal of an image processing terminal, a multimedia terminal, and a voice terminal through the terminal communication network after authentication, and a multimedia communication network capable of connecting with the intellectual property management database (Column 2, Lines 25-61, Column 110, Lines 63-67, Column 111, Lines 1-39 [Ginter et al. teaches network communication and authentication]).

Referring to claim 4. Claim 5 discloses the limitation of claim 1. Ginter et al. discloses the intellectual property management database comprises an intellectual property right owner database, a database comprised of sentences and poems, a database comprised of photographs, moving pictures, and still pictures, a database

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comprised of comics and illustrations, a sound database, an idea commodity database, a patent right database, a utility model right database, a design right database, a trademark right database, a seed and seedling right database, a commercialization right database, an introducer database, and a cooky database (It just only describe the system material). The examiner further notes that the specific group of accounts chosen herein to perform such transaction does not functionally affect the transaction. These parameters qualify as non-functional descriptive material and do not alter how the method operates. Therefore, this descriptive material is given minimal weight; see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to claim 5. Claim 5 discloses the limitation of claim 1. Ginter et al. discloses the intellectual property open investigation system comprises a use permission database, an intellectual property basic system, a use state investigation system, an open intellectual property database, an intellectual property use report database, a multimedia registration processing system, a terminal communication network, an image processing terminal, a multimedia terminal, and a voice terminal (Column 38, Lines 28-67, Column 39, Lines 1-67, Column 40, Lines 1-17).

Referring to claim 6. Claim 5 discloses the limitation of claim 1. Ginter et al. discloses the intellectual property permission watching system comprises an image processing terminal, a multimedia processing terminal, a voice terminal, a terminal communication network, a multimedia registration processing system, an intellectual property use state report processing system, a use offer database, a permission

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confirmation inability database, and an intellectual property permission management system (Column 24, Lines 25-62, Column 28, Lines 32-67, Column 29, Lines 1-45).

Referring to claim 7. Ginter et al. discloses An intellectual property right management method for executing registration, watching and use permission of intellectual property rights through a telecommunication circuit, wherein the intellectual property right management method comprises an intellectual property right registration method in which an intellectual property right owner registers an intellectual property right, an intellectual property open investigation method which enables openable intellectual property data to be perused and searched, and records a use state of intellectual property, and an intellectual property permission watching method including a transaction offer processing step of intellectual property and a collecting step of unauthorized permission use information (Column 1, Lines 13-43, Column 3, Lines 23-50 [Ginter et al. also teaches when a owner give an intellectual property/software to a server to monitor for proper use of the software by a customer]).

Referring to claim 8. Claim 8 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property registration method comprises a step in which a person to be introduced is introduced to one of an intellectual property right owner, an intellectual property right user, and an intellectual property right watcher, a step in which the introduced person is given a tentative address after introduction and is registered in an introducer database, a step in which when the introduced person uses the tentative address after registration to actually access, a honorarium or a prize is supplied to an

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introducer, and a step in which the introduced person acquires a normal address

(Column 1, Lines 13-43).

Referring to claim 9. Claim 9 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property registration method comprises a step in which when one of the intellectual property right owner, the intellectual property right user, and the intellectual property right watcher accesses a multimedia registration system, the multimedia registration processing system attaches cooky to the one of the intellectual property right owner, the intellectual property right user, and the intellectual property right watcher, and a step in which when the one of the intellectual property right owner, the intellectual property right user, and the intellectual property right watcher again accesses, authentication is executed by using the cooky (It just only describe the system material). The examiner further notes that the specific group of accounts chosen herein to perform such transaction does not functionally affect the transaction. These parameters qualify as non-functional descriptive material and do not alter how the method operates. Therefore, this descriptive material is given minimal weight; see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994).

Referring to claim 10. Claim 10 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property registration method comprises a step in which the intellectual property right owner executes a registration operation of the intellectual property right by a multimedia terminal, a step in which a registration operation full-time person executes a registration operation by an operator terminal, a step of connecting

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the terminals and a multimedia registration processing system through a terminal communication network after authentication, and a step in which the multimedia registration processing system registers data transmitted from the terminals in an intellectual property management database (Column 38, Lines 28-67, Column 39, Lines 1-67, Column 40, Lines 1-17).

Referring to claim 11. Claim 11 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property right open investigation method comprises a step of copying openable intellectual property in an open literary work database from an intellectual property management database and a use permission database, a step in which an intellectual property right user accesses the open intellectual property database through a terminal communication network and a multimedia registration processing system, a step in which the intellectual property right user searches the intellectual property rights from the open intellectual property database, a step in which the intellectual property right user searches by a search processing system connected to the terminal communication network, a step in which an intellectual property right watcher registers a use state of an intellectual property right in an intellectual property use report database, and a step of reporting data of the use permission database and data of the intellectual property use report database to an intellectual property use state report processing system (Column 35, Lines 1-21, Column 37, Lines 3-34).

Referring to claim 12. Claim 12 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property permission watching method comprises a step in which a person who wants to use an intellectual property right applies to an intellectual

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property use state report processing system for use of an intellectual property right through a terminal communication network and a multimedia registration processing system from an image processing terminal, a multimedia processing terminal and a voice terminal, a step in which the intellectual property use state report processing system registers the person who wants to use the intellectual property right in a use offer database when the use of the intellectual property right is permitted, and a step in which an intellectual property permission management system issues a written permission and a bill of use costs to the person who wants to use the intellectual property right (Column 14, Lines 1-37, Column 28, Lines 32-67, Column 29, Lines 1-45).

Referring to claim 13. Claim 13 discloses the limitation of claim 7. Ginter et al. discloses the intellectual property permission watching method comprises a step of registering difference data of reports from the data of the intellectual property use report database and the data of the use permission database in a permission confirmation inability database, a step of investigating use permission of the data registered in the permission confirmation inability database, a step of warning a user, who has been identified as a not-permitted person, to acquire permission and transmitting a name of the user, who is not permitted to use the intellectual property open investigation system, to open it to the public, and a step in which the intellectual property permission management system issues a bill to the user who is not permitted to use (Columns 51, Lines 43-61, Column 274, Lines 14-30).

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Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.


Any inquiry concerning this communication or earlier communications from the patent examiner should be directed to Shahid Kamal whose telephone number is (571) 270-3272. The Patent examiner can normally be reached on Monday-Thursday (9:00am -7:00pm), Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Khoi Tran can be reached on (571) 272-6919. The fax phone number for this origination where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR.

Statuses information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-directed.uspto.gov>. Should you have any questions on accessing to the Private PAIR system, contact the Electronic Business Center (EBC) at 1(866) 217-9197 (toll free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 1(800) 786-9199 (IN USA OR CANADA) or 1(571) 272-1000.

Shahid Kamal
September 27, 2007


MATTHEW S. GART
PRIMARY EXAMINER
TECHNOLOGY CENTER 3600